

Appl. No: 10/062,324
Amdt. Dated: September 2, 2005
Reply to Office action of August 19, 2005

REMARKS/ARGUMENTS

Prior to this Amendment, claims 1-45 were pending in the application.

Applicant submitted an Information Disclosure Statement (IDS) with the application. A copy of the IDS with initials showing the Examiner had reviewed/considered each reference. Applicant requests that the IDS be considered by the Examiner.

Independent claim 1 is amended to further clarify operation of the redirection engine to select among wireless service provider network elements for receiving data based on an evaluation of the data for a key string. Support is found for this amendment in paragraph [1027]. Independent claim 12 is amended similarly to claim 1.

Independent claim 4 is amended to stress the use of a proxy for receipt at a virtual network (e.g., IP) address wireless data protocol traffic from wireless clients. Dependent claims 9 and 10 are cancelled.

Independent claims 19 is amended to call for evaluating a data packet to determine language information or user browser type information related to wireless data traffic and then sending a data request to a server based on this determination. Similarly, independent claim 26 is amended to include the limitations of dependent claims 27-29, which are cancelled, to claim a data packet parsing engine that evaluates a wireless data packet to evaluate language information or user browser type information in the content of the packet and then redirect the data packet based on this information.

Independent claims 35 and 45 are amended to further define the set of rules used to select an IP address of a remote computer network element to send a communication of wireless data content from a wireless device. No new matter is added with support found in Applicant's specification at least in paragraph [1026]. Claim 40 is cancelled.

After entry of the Amendment, claims 1-8, 11-26, 30-39, and 41-45 remain for consideration by the Examiner.

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A. Rejections Under 35 U.S.C. §112

In the Office Action, claim 44 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claim 44 is amended to address this rejection.

B. Claim Objections

Additionally, in the Office Action, claim 36 was objected to due to informalities. Claim 36 is amended to correct the informalities.

C. Rejections Under 35 U.S.C. §103

In the August 19, 2005 Office Action, claims 1-12, 14, 16-21, 26-41, and 45 were rejected under 35 U.S.C. §103 as being unpatentable over U.S. Pat. No. 6,449,647 ("Colby") in view of U.S. Pat. No. 6,865,608 ("Hunter"). This rejection is respectfully traversed based on the following remarks.

Applicant directs the Examiner's attention initially to independent claims 19 and 26. Each of these claims has been amended to stress a feature of the invention that Applicant believes is clearly not shown by Colby or Hunter. Specifically, claim 19 is directed to a method of processing wireless data traffic that involves "evaluating a data packet within the wireless data traffic at the wireless gateway to determine at least one of language information and user browser information" and then, sending a data request to a particular computer server that is selected based on either or both the language information and browser type information. Similarly, claim 26 is directed to a data switching system in which a data packet parsing engine retrieves and evaluates content within a wireless data packet and then a data packet redirection routine in the parsing engine formulates data packet communication for the wireless data packet to a particular computer server that is determined based on the language information and/or browser type information. Colby and Hunter fail to disclose such an evaluation of a data packet or redirection (or server selection) being performed based on such an evaluation. For this reason, claims 19 and 26 are not made obvious based on these two references.

As explained in the first paragraph of the Summary and in more depth col. 5, line 28 to col. 6, line 67, Colby is directed to a system for "content-based

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switching" of content requests to servers being able to serve that request (i.e., servers with that content). In rejecting claim 19, the Office Action cites Colby at Figure 4, element 492 with reference to col. 9, lines 5-20 for teaching the element of evaluating a data packet within wireless data traffic to determine language information and/or user browser type information and then selecting a server based on this information, with selecting being performed by element 165 of Figure 1. Element 165 (or more accurately element 110) is referring to Colby's "content-aware flow switch" that is described in col. 9, lines 5-40 with reference to Figure 4 as parsing "the URI" representing "the client content request" to identify the nature of requested content "including the HTTP content-type." The quality of service (QoS) is then deduced based on the content-type or filename extension.

Colby fails to provide any reference of determining the language (such as English, French, German, Japanese, or the like) and using such information to select a server to send a wireless data packet. Additionally, Colby fails to show evaluating a data packet to determine browser type information or using such information to select a server to direct the data packet. Hunter does not overcome this deficiency and is only cited in the Office Action for teaching content reception and redirection in a wireless network and using wireless protocols in such a network. Because every element of claims 19 and 26 are not shown or suggested by Colby in view of Hunter, Applicant requests that the rejection of claims 19 and 26 be withdrawn. Claims 20, 21, and 30-34 depend from claims 19 and 26 and are believed allowable as depending from allowable claims.

Turning to claim 4-8 and 11, independent claim 4 is amended to stress the feature of the invention that calls for using a proxy device at a virtual network (e.g., a virtual IP address) to receive messages from wireless devices and then directing this plurality of messages to devices with physical network addresses (e.g., physical IP addresses). Specifically, claim 4 is directed to a method of routing wireless data protocol traffic that includes receiving a wireless data protocol message from a wireless client device. The method further includes

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selecting a network element amongst plural elements of a network that are accessible by a network information service and then, directing a data message corresponding to the wireless device to the selected network element at its physical network address. The receiving, selecting, and directing steps all being done by a proxy to which the wireless client device directs wireless data protocol traffic via a virtual network address. Colby and Hunter fail to teach the use of a proxy at a virtual network address to receive messages from wireless devices, to select a network element at a physical network address, and then to direct a message over the network to the selected network element.

In rejecting claim 4, the Office Action cites Colby at its redirection engine Figure 1c, element 110, Figure 2, element 212, and in rejecting claim 9, the Office Action cites Colby at col. 5, lines 28-67. However, at col. 5, lines 49-67, Colby fails to describe its flow switch 110 as having a virtual network address or that such address is provided to client devices so that the flow switch 110 would behave as a proxy. Further, at col. 5, lines 28-67, Colby fails to describe redirecting traffic from a device having a virtual network address to one of a plurality of devices having physical network devices. Hunter is not cited for overcoming these deficiencies in Colby (and would not support such a citation). Hence, the combination of Colby and Hunter fails to teach claim 4. Claims 5-8 and 11 depend from claim 4 and are believed allowable as depending from an allowable base claim.

Independent claims 35 and 45 are amended such that a logic module is programmed with a set of rules that is defined to include "at least one criteria selected from the group consisting of micro-browser type, service request type, language format of the wireless data content, domain name, cellular positioning of device transmitting the encoded wireless data packet, and characteristics of the device transmitting the encoded wireless data packet." The logic module applies the set of rules to select an IP address for a device to receive a communication of decoded wireless data packet. Colby and Hunter fail to show or suggest application of such a set of rules to select an IP address of a device to receive a wireless message. Instead, Colby as cited by the Office Action at col. 10, lines 10-55

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teaches selecting an IP server based on whether the content it serves matches requested content of an IP client. There is no teaching of a set of rules being applied to make the decision and certainly not one as now defined in claims 35 and 45. Hunter does not overcome this deficiency (and is not cited for such a purpose). As a result, Colby and Hunter fail to support an obviousness rejection of claims 35 and 45. Claims 36-39 and 41 depend from claim 35 and are believed allowable as depending from an allowable base claim.

Now turning to claims 1-3, claim 1 is amended to clarify that the redirection engine inspects data that is configured in accordance to a wireless data protocol for key strings associated with that protocol and then selects among a set of network elements to redirect the data to a network element that provides a wireless service based on that wireless data protocol. Colby and Hunter do not show such a redirection engine (or an apparatus incorporating such an engine). The Office Action refers to the content-aware flow switch 110 but this switch looks at for a content-type for a message and then directs the message to a server providing that content. This does not teach the apparatus of claim 1 as there is no showing or suggestion of evaluating data for key strings associated with wireless data protocol and then selecting among various network elements that provide wireless services using such a data protocol. Hunter fails to overcome this deficiency of Colby, and as a result, claim 1 and claims 2 and 3, which depend from claim 1, are believed allowable over these two references.

Independent claim 12 is amended to include limitations similar to that of claim 1, and the reasons provided for allowing claim 1 over Colby and Hunter are believed equally applicable to claim 12. Claims 14 and 16-18 depend from claim 12 and are believed allowable for as depending on an allowable base claim.

Further, in the Office Action, claims 13 and 22-25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Colby and Hunter as applied to claims 12 and 19 further in view of U.S. Pat. No. 6,304,898 ("Shiigi"). Claims 13 and 22-25 depend from claims 12 and 19 and are believed allowable over Colby and Hunter for the reasons provided above for allowing claims 12 and 19. Shiigi

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fails to overcome the deficiencies of Colby and Hunter discussed with reference to claims 12 and 19, and hence, the combination of Colby, Hunter, and Shiigi fails to support an obviousness rejection of claims 13 and 22-25.

In the Office Action, claim 15 was rejected under 35 U.S.C. §103(a) as being unpatentable over Colby and Hunter as applied to claims 12 and 14 further in view of U.S. Pat. No. 6,775,291 ("Ryu"). Claim 15 depends from claim 12 and is believed allowable over Colby and Hunter for the reasons provided above for allowing claim 12. Ryu fails to overcome the deficiencies of Colby and Hunter discussed with reference to claim 12, and hence, the combination of Colby, Hunter, and Ryu fails to support an obviousness rejection of claim 15.

Yet further, in the Office Action, claim 42 was rejected under 35 U.S.C. §103(a) as being unpatentable over Colby and Hunter as applied to claims 35 and 41 further in view of U.S. Pat. No. 6,732,175 ("Abjanic"). Claim 42 depends from claim 35 and is believed allowable over Colby and Hunter for the reasons provided above for allowing claim 35. Additionally, Abjanic fails to overcome the deficiencies of Colby and Hunter discussed with reference to claim 35, and hence, the combination of Colby, Hunter, and Abjanic fails to support an obviousness rejection of claim 42.

Also, in the Office Action, claims 43 and 44 were rejected under 35 U.S.C. §103(a) as being unpatentable over Colby and Hunter as applied to claim 35 further in view of U.S. Pat. No. 6,836,845 ("Lennie"). Claims 43 and 44 depend from claim 35 and are believed allowable over Colby and Hunter for the reasons provided above for allowing claim 35. Further, Lennie fails to overcome the deficiencies of Colby and Hunter discussed with reference to claim 35, and hence, the combination of Colby, Hunter, and Lennie fails to support an obviousness rejection of claims 43 and 44.

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D. Conclusions

In view of all of the above, the claims are now believed to be allowable, and Applicant requests that a timely Notice of Allowance be issued in this case.

No fee is believed due with this response. However, any fee deficiency associated with this submittal may be charged to Deposit Account No. 50-1123.

Respectfully submitted,

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